

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

LAVETTE PARKER)	
Claimant)	
)	
VS.)	
)	
INDUSTRIAL CHROME, INC.)	
Respondent)	Docket No. 233,018
)	
AND)	
)	
HARTFORD ACCIDENT & INDEMNITY)	
Insurance Carrier)	

ORDER

Respondent and its insurance carrier request review of the May 25, 2006 preliminary hearing Order entered by Administrative Law Judge Bryce D. Benedict.

ISSUES

The Administrative Law Judge (ALJ) found claimant's accidental injury arose out of and in the course of his employment with respondent. The ALJ further ordered respondent to provide claimant medical treatment with Dr. Lynn A. Curtis and a \$500 reimbursement to claimant's counsel for unauthorized medical.

The respondent requests review of whether the claimant's accidental injury arose out of and in the course of employment. Respondent further argues there is no causal connection between the claimant's current complaints and his accident which occurred in 1998.

Claimant argues that it is undisputed that he reported an electrical shock that occurred at work. An accident report was immediately completed and the medical evidence corroborates claimant's assertion of a shock injury. Consequently, the claimant requests the Board affirm the ALJ's Order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record filed herein, the Board makes the following findings of fact and conclusions of law:

Lavette Parker began working as a polisher/plater for the respondent on January 13, 1998, and was terminated on February 23, 1998, for excessive absences. On February 17, 1998, the claimant sustained an electrical shock when he touched two tanks used in the chrome plating process. He testified he felt a jolt go through his body and it threw him ten feet down three stairs and into a door. Claimant advised his supervisor, Robert Strimple and asked that an incident report be filled out. Although the claimant did not request medical treatment he noted his hands and shoulders were numb with a tingling sensation. Claimant was placed on lighter work for the remainder of that shift. Some time later, from a few days up to a week, the claimant sought medical treatment at Stormont-Vail's emergency room. Later, his attorney referred him to Dr. Sharon L. McKinney.

The claimant was then incarcerated from October 1998 through September 2005. He did not receive any medical treatment for his work-related injury while incarcerated. He further stated that he did not suffer any injuries while incarcerated.

Mr. Strimple, respondent's shift supervisor in the plating department, testified that after claimant told him about the incident he checked the tanks and only received a light tingle when he touched the tanks. Mr. Strimple further testified that the tank operated on only four volts of direct current. Christopher Needham, respondent's plant manager, testified the company is still using the same exact rectifier and rheostat for the tanks since he became employed in 1992. He also affirmed that the tank operates on four volts of direct current.

In December 2005, the claimant was examined and evaluated by Dr. Lynn A. Curtis. He diagnosed the claimant with bilateral hand numbness, left greater than the right; loss of left grip strength; left cervical thoracic radiculopathy and evidence of peripheral neuropathy in the upper and lower extremities. In the causation portion of his report Dr. Curtis stated:

Mr. Parker had a history of electric shock injury, which mostly affects his neck, shoulder, and left hand. He appears to have a coinciding peripheral neuropathy that may also have other causes or may be associated with the electric injury. As shown by the literature, the physical delivery of electric energy, both amount, duration and anatomic entry points are important to understand the nature of the injury at the time.

According to Mr. Parker, he received shocks in both arms. One can hypothesize that this would involve entry points in the arms and exit points in the legs.

It is probable that he had bilateral delivery of energy and injured his left cervical root levels, and peripheral nerves of his hands and feet. Because he has negative compression signs in his peripheral upper and lower extremities, as well

in his neck, then the electrical event appears important in his impairment or nerve injuries.¹

The ALJ noted that although eight years had passed after what appeared to be a minor incident, nonetheless, it was essentially undisputed claimant suffered an incident where he was shocked at work and which he immediately reported. The ALJ further noted that although there was testimony regarding how many volts of electricity were used to operate the tanks, there was no testimony regarding how much electricity it might take to cause some sort of neurological damage. Finally, the ALJ noted the uncontroverted medical evidence established that it was probable claimant's condition was the result of the work-related incident. Absent contradictory medical evidence, the ALJ concluded claimant had met his burden of proof and awarded preliminary benefits. The Board agrees and affirms.

WHEREFORE, it is the finding of the Board that the Order of Administrative Law Judge Bryce D. Benedict dated May 25, 2006, is affirmed.

IT IS SO ORDERED.

Dated this _____ day of August 2006.

BOARD MEMBER

c: Roger D. Fincher, Attorney for Claimant
Patricia A. Wohlford, Attorney for Respondent and its Insurance Carrier

¹ *Id.*, Cl. Ex. 1.